

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

STACY WADDELL, #31204-048,

Petitioner,

v.

ACTION NO. 2:22cv483

D. LEU, Warden,

Respondent.

FINAL ORDER

Petitioner Stacey Waddell ("Waddell"), a federal inmate housed at the Federal Correction Institution in Petersburg, Virginia, filed a *pro se* petition pursuant to 28 U.S.C. § 2241. ECF No. 1. Waddell challenges disciplinary proceedings by the Bureau of Prisons in 2022, while he was in custody at the Federal Correctional Institution in Jesup, Georgia, which resulted in the loss of good conduct time. ECF No. 1. Respondent filed a motion for summary judgment with a supporting brief on March 14, 2023. ECF Nos. 10-11. Waddell filed a response to the motion for summary judgment on April 5, 2023. ECF No. 16.

This matter was referred to the United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. On September 28,

2023, the Magistrate Judge entered a Report and Recommendation, recommending that respondent's motion for summary judgment, ECF No. 10, be granted, and the petition for a writ of habeas corpus, ECF No. 1, be dismissed with prejudice. ECF No. 19. Each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. *Id.* at 6-7.

On October 12, 2023, Waddell notified the Clerk's office of his change of address and a copy of the Report and Recommendation was mailed to Waddell at the new address. No objections have been filed and the time for filing objections has expired.


The Court, having reviewed the record, does hereby adopt and approve the findings and recommendations set forth in the Report and Recommendation. The Court, therefore, **ORDERS** that respondent's motion for summary judgment, ECF No. 10, is **GRANTED**, and the petition for a writ of habeas corpus, ECF No. 1, is **DISMISSED WITH PREJUDICE**.

Finding that the basis for dismissal of Waddell's section 2254 petition is not debatable, and alternatively finding that Waddell has not made a "substantial showing of the denial of a constitutional right," a certificate of appealability is **DENIED**. 28 U.S.C. § 2253(c); see Rule 11(a) of the Rules Gov. § 2254 Cases in U.S. Dist. Cts.; *Miller-El v. Cockrell*, 537 U.S. 322, 335-38

(2003); *Slack v. McDaniel*, 529 U.S. 473, 483-85 (2000).

Waddell is **ADVISED** that because a certificate of appealability is denied by this Court, he may seek a certificate from the United States Court of Appeals for the Fourth Circuit. Fed. R. App. P. 22(b); Rule 11(a) of the Rules Gov. § 2254 Cases in U.S. Dist. Cts. If Waddell intends to seek a certificate of appealability from the Fourth Circuit, he must do so within thirty (30) days from the date of this Order. Waddell may seek such a certificate by filing a written notice of appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.

The Clerk shall mail a copy of this Final Order to Waddell and counsel of record for respondent.

/s/ 
Rebecca Beach Smith
Senior United States District Judge

Rebecca Beach Smith
Senior United States District Judge

Norfolk, Virginia
December 12, 2023